

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1165

Introduced by Senators Mitchell and Block

February 20, 2014

An act to amend Sections 51930, 51931, 51936, 51937, 51938, and 51939 of, to add Section 51902 to, and to add Article 3.5 (commencing with Section 51934.5) to Chapter 5.6 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as amended, Mitchell. Pupil instruction: sexual abuse and sex trafficking prevention education.

Existing law requires the Instructional Quality Commission, during the next revision of the publication "Health Framework for California Public Schools," to consider developing, and recommending for adoption by the State Board of Education, a distinct category on mental health, as specified.

This bill would require the commission, during the next revision of that publication, to consider, develop, and recommend for adoption by the state board, a distinct category on sexual abuse and sex trafficking prevention education, as specified.

Existing law, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in kindergarten and grades 1 to 12, inclusive, and requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, unless the pupil is excused, as specified.

This bill would also authorize a school district to provide sexual abuse and sex trafficking prevention education, ~~as defined, and would require a school district that elects to offer this instruction to ensure that each pupil receives the instruction at least once in junior high or middle school, and at least once in high school.~~ *defined.* The bill would encourage school districts to collaborate with outside consultants with expertise in sexual abuse and sex trafficking prevention education in order to create school safety plans to address these issues. The bill would make conforming and nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51902 is added to the Education Code,
2 to read:
3 51902. During the next revision of the publication “Health
4 Framework for California Public Schools” (health framework) the
5 Instructional Quality Commission shall consider, develop, and
6 recommend for adoption by the state board, a distinct category on
7 sexual abuse and sex trafficking prevention education that includes,
8 but is not limited to, all of the following:
9 (a) Information on different forms of sexual abuse and assault;
10 discussion of prevention strategies; how to report sexual abuse or
11 suspected sexual abuse; and local resources for victims.
12 (b) Discussion of healthy boundaries for relationships; how to
13 recognize potentially harmful and abusive relationships; and refusal
14 skills to overcome peer pressure and to avoid high-risk activities.
15 (c) Information on sex trafficking and risk factors; the recruiting
16 tactics of sex traffickers and peer recruiters, including recruitment
17 through the Internet; how to report sex trafficking or suspected
18 sex trafficking; and local resources for victims.
19 (d) Discussion of legal aspects of sexual abuse and sex
20 trafficking under state and federal laws.
21 (e) Discussion of how culture and mass media influence and
22 desensitize our perceptions of sexual abuse and sex trafficking,
23 including, but not limited to, stereotypes and myths about the
24 victims and abusers, victim blaming, and the role of language.
25 This instruction shall emphasize compassion for people who have

1 suffered from sexual abuse or sex trafficking, and support positive
2 reentry experiences for survivors returning to school.

3 SEC. 2. Section 51930 of the Education Code is amended to
4 read:

5 51930. (a) This chapter shall be known and may be cited as
6 the California Comprehensive Sexual Health and HIV/AIDS
7 Prevention Education Act.

8 (b) The purposes of this chapter are as follows:

9 (1) To provide a pupil with the knowledge and skills necessary
10 to protect his or her sexual and reproductive health from unintended
11 pregnancy and sexually transmitted diseases.

12 (2) To encourage a pupil to develop healthy attitudes concerning
13 adolescent growth and development, body image, gender roles,
14 sexual orientation, dating, marriage, and family.

15 (3) To provide a pupil with the knowledge and skills necessary
16 to protect himself or herself from sexual abuse and sex trafficking.

17 SEC. 3. Section 51931 of the Education Code is amended to
18 read:

19 51931. For the purposes of this chapter, the following
20 definitions apply:

21 (a) “Age appropriate” refers to topics, messages, and teaching
22 methods suitable to particular ages or age groups of children and
23 adolescents, based on developing cognitive, emotional, and
24 behavioral capacity typical for the age or age group.

25 (b) “Comprehensive sexual health education” means education
26 regarding human development and sexuality, including education
27 on pregnancy, family planning, and sexually transmitted diseases.

28 (c) “Sexual abuse and sex trafficking prevention education”
29 means instruction on the prevalence and nature of sexual abuse
30 and sex trafficking, strategies to reduce their risk, and how to safely
31 report an incident.

32 (d) “English learner” means a pupil as described in subdivision
33 (a) of Section 306.

34 (e) “HIV/AIDS prevention education” means instruction on the
35 nature of HIV/AIDS, methods of transmission, strategies to reduce
36 the risk of human immunodeficiency virus (HIV) infection, and
37 social and public health issues related to HIV/AIDS. For purposes
38 of this chapter, “HIV/AIDS prevention education” is not
39 comprehensive sexual health education.

(f) “Instructors trained in the appropriate courses” means instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases, and the knowledge of essential concepts on preventing sexual abuse and sex trafficking.

(g) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.

(h) “School district” includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.

SEC. 4. Article 3.5 (commencing with Section 51934.5) is added to Chapter 5.6 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 3.5. Sexual Abuse and Sex Trafficking Prevention
Education

51934.5. (a) A school district may provide sexual abuse and sex trafficking prevention education.

~~(b) If a school district provides sexual abuse and sex trafficking prevention education, it shall ensure that the education is from instructors trained in the appropriate courses. The school district shall also ensure that each pupil receives this instruction at least once in junior high or middle school, and at least once in high school.~~

~~(c) Sexual abuse and sex trafficking prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in paragraphs (1) to (6), inclusive, of subdivision (b) of, and paragraphs (1) and (2) of subdivision (d) of, Section 51933.~~

~~(d) Instruction and materials shall include the following:~~

~~(1) Information on different forms of sexual abuse and assault; discussion of prevention strategies; how to report sexual abuse or suspected sexual abuse; and local resources for victims.~~

1 ~~(2) Discussion of healthy boundaries for relationships; how to~~
2 ~~recognize potentially harmful and abusive relationships; and refusal~~
3 ~~skills to overcome peer pressure and to avoid high-risk activities.~~

4 ~~(3) Information on sex trafficking and risk factors; the recruiting~~
5 ~~tactics of sex traffickers and peer recruiters, including recruitment~~
6 ~~through the Internet; how to report sex trafficking or suspected~~
7 ~~sex trafficking; and local resources for victims.~~

8 ~~(4) Discussion of legal aspects of sexual abuse and sex~~
9 ~~trafficking under state and federal laws.~~

10 ~~(5) Discussion of how culture and mass media influence and~~
11 ~~desensitize our perceptions of sexual abuse and sex trafficking,~~
12 ~~including, but not limited to, stereotypes and myths about the~~
13 ~~victims and abusers, victim blaming, and the role of language.~~
14 ~~This instruction shall emphasize compassion for people who have~~
15 ~~suffered from sexual abuse or sex trafficking, and support positive~~
16 ~~reentry experiences for survivors returning to school.~~

17 ~~(e)~~

18 ~~(b) The department may develop~~ *develop, and make available*
19 *to school districts on the department's Internet Web site, model*
20 *curricula on sexual abuse and sex trafficking prevention education*
21 *available to school districts on the department's Internet Web site.*
22 *education.* The department may include a guide for parents on its
23 Internet Web site.

24 51934.6. (a) A school district is encouraged to collaborate
25 with outside consultants with expertise in sexual abuse and sex
26 trafficking prevention education in order to create a school safety
27 plan to address the threat of sexual abuse and sex trafficking.

28 (b) A school district is encouraged to collaborate with law
29 enforcement on a referral protocol for high-risk pupils and minors.

30 (c) In-service training may be conducted periodically to enable
31 school district personnel to learn new developments in the
32 understanding of sexual abuse and sex trafficking, and to receive
33 instruction on current prevention efforts and methods. A school
34 district is encouraged to include training on early identification
35 and mandated reporting of sexual abuse and sex trafficking of
36 pupils and minors.

37 SEC. 5. Section 51936 of the Education Code is amended to
38 read:

39 51936. A school district may contract with outside consultants
40 with expertise in comprehensive sexual health education,

1 HIV/AIDS prevention education, or sexual abuse and sex
2 trafficking prevention education, including those who have
3 developed multilingual curricula or curricula accessible to persons
4 with disabilities, to deliver the instruction or to provide training
5 for school district personnel.

6 SEC. 6. Section 51937 of the Education Code is amended to
7 read:

8 51937. It is the intent of the Legislature to encourage pupils
9 to communicate with their parents or guardians about human
10 sexuality, HIV/AIDS, sexual abuse, and sex trafficking, and to
11 respect the rights of parents or guardians to supervise their
12 children's education on these subjects. The Legislature intends to
13 create a streamlined process to make it easier for parents and
14 guardians to review materials and evaluation tools related to
15 comprehensive sexual health education, HIV/AIDS prevention
16 education, and sexual abuse and sex trafficking prevention
17 education, and, if they wish, to excuse their children from
18 participation in all or part of that instruction or evaluation. The
19 Legislature recognizes that while parents and guardians
20 overwhelmingly support medically accurate, comprehensive sex
21 education, parents and guardians have the ultimate responsibility
22 for imparting values regarding human sexuality to their children.

23 SEC. 7. Section 51938 of the Education Code is amended to
24 read:

25 51938. A parent or guardian of a pupil has the right to excuse
26 ~~their~~ *his or her* child from all or part of comprehensive sexual
27 health education, HIV/AIDS prevention education, sexual abuse
28 and sex trafficking prevention education, and assessments related
29 to that education, as follows:

30 (a) At the beginning of each school year, or, for a pupil who
31 enrolls in a school after the beginning of the school year, at the
32 time of that pupil's enrollment, each school district shall notify
33 the parent or guardian of each pupil about instruction in
34 comprehensive sexual health education, HIV/AIDS prevention
35 education, and sexual abuse and sex trafficking prevention
36 education, and research on pupil health behaviors and risks planned
37 for the coming year. The notice shall do all of the following:

38 (1) Advise the parent or guardian that the written and audiovisual
39 educational materials used are available for inspection.

(2) Advise the parent or guardian whether the comprehensive sexual health education, HIV/AIDS prevention education, or sexual abuse and sex trafficking prevention education will be taught by school district personnel or by outside consultants. A school district may provide this instruction through outside consultants, and may hold an assembly to deliver this instruction by guest speakers, but if the school district elects to provide this instruction in any of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, and Sections 51933, 51934, and 51934.5. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(4) Advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive instruction pursuant to this chapter.

(b) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex may be administered to any pupil in grades 7 to 12, inclusive, if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parent or guardian is given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not participate.

(c) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (a) is within the discretion of the school district.

SEC. 8. Section 51939 of the Education Code is amended to read:

51939. (a) A pupil may not attend any class in comprehensive sexual education, HIV/AIDS prevention education, or sexual abuse and sex trafficking prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, if the school has

1 received a written request from the pupil's parent or guardian
2 excusing the pupil from participation.

3 (b) A pupil may not be subject to disciplinary action, academic
4 penalty, or other sanction if the pupil's parent or guardian declines
5 to permit the pupil to receive instruction pursuant to this chapter,
6 or to participate in anonymous, voluntary, and confidential tests,
7 questionnaires, or surveys on pupil health behaviors and risks.

8 (c) While instruction pursuant to this ~~chapter~~, or *chapter or an*
9 anonymous, voluntary, and confidential test, questionnaire, or
10 survey on pupil health behaviors and risks is being administered,
11 an alternative educational activity shall be made available to pupils
12 whose parents or guardians have requested that they not receive
13 the instruction or participate in the test, questionnaire, or survey.